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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,420	09/03/1999	BARRY W. FIELD	062891.0368	6854

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BAKER & BOTTS L L P
2001 ROSS AVENUE
DALLAS, TX 752012980

EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

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8

Please find below and/or attached an Office communication concerning this application or proceeding.



SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	12

DATE MAILED

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

Douglas W. Olms
DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☒ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 7/16/03 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
 - c. ☐ They raise the issue of new matter. (See Note).
 - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-28

However;

- ☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because See attachment for explanation

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

- ☐ Other

Applicant has questioned whether Radimirsch et al teaches having signaling and non-signaling data in a payload packet of a cell. In response, the examiner points out that in figure 4, member 80 (top of figure, far left) comprises what can fairly be considered to be a cell consisting of signaling information 73 and data sent by the mobile units (110, for example, being associated with mobile unit 20). Figure 4 shows time slots associated with a plurality of traffic streams 110, 111, etc. The signaling information 73, etc. is associated with various portions of the traffic streams. Multiple cells with signaling information are shown in figure 4. Column 2, lines 26 - 32 are merely background to the invention which teach that "normally" signalling messages and data are distinguished via messages in the header. As noted previously, Radimirsch et al teaches "cells" which carry signaling and data information. Figure 3 of Ramidirsch et al shows even distribution and positioning. The plurality of frames 74/75, and 81, 82, ... in Radimirsch et al comprise a superframe.



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